

SECOND REGULAR SESSION

# SENATE BILL NO. 1247

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR COLEMAN.

Read 1st time February 28, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

3258S.03I

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### AN ACT

To repeal sections 374.700, 374.705, 374.710, 374.715, 374.716, 374.720, 374.730, 374.735, 374.740, 374.750, 374.755, 374.760, 374.763, 374.764, 374.783, 374.784, 374.785, 374.786, and 374.787, RSMo, and to enact in lieu thereof twenty-three new sections relating to the licensure of bail bond and surety recovery agents, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 374.700, 374.705, 374.710, 374.715, 374.716, 374.720, 374.730, 374.735, 374.740, 374.750, 374.755, 374.760, 374.763, 374.764, 374.783, 374.784, 374.785, 374.786, and 374.787, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 374.700, 374.705, 374.706, 374.707, 374.710, 374.715, 374.716, 374.720, 374.730, 374.735, 374.740, 374.750, 374.755, 374.760, 374.761, 374.763, 374.764, 374.773, 374.783, 374.784, 374.785, 374.786, and 374.787, to read as follows:

374.700. As used in sections 374.695 to 374.789, the following terms shall mean:

(1) "Bail bond agent", a surety agent or an agent of a property bail bondsman who is duly licensed pursuant to the provisions of sections 374.695 to 374.789, is employed by and is working under the authority of a licensed general bail bond agent;

(2) "Bail bond or appearance bond", a bond for a specified monetary amount which is executed by the defendant and a qualified licensee pursuant to sections 374.695 to 374.789, and which is issued to a court or authorized officer as security for the subsequent court appearance of the defendant upon the defendant's release from actual custody pending the appearance;

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

12           (3) **"Board", the professional bail bonds board;**

13           (4) "Department", the department of insurance of the state of Missouri;

14           [(4)] (5) "Director", the director of the department of insurance;

15           [(5)] (6) "General bail bond agent", a surety agent or a property bail  
16 bondsman, as defined in sections 374.700 to 374.775, who is licensed in  
17 accordance with sections 374.700 to 374.775 and who devotes at least fifty percent  
18 of his working time to the bail bond business in this state;

19           [(6)] (7) "Insurer", any surety insurance company which is qualified by  
20 the department to transact surety business in Missouri;

21           [(7)] (8) "Licensee", a bail bond agent or a general bail bond agent;

22           [(8)] (9) "Property bail bondsman", a person who pledges United States  
23 currency, United States postal money orders or cashier's checks or other property  
24 as security for a bail bond in connection with a judicial proceeding, and who  
25 receives or is promised therefor money or other things of value;

26           [(9)] (10) "Surety bail bond agent", any person appointed by an insurer  
27 by power of attorney to execute or countersign bail bonds in connection with  
28 judicial proceedings, and who receives or is promised money or other things of  
29 value therefor;

30           [(10)] (11) "Surety recovery agent", a person not performing the duties  
31 of a sworn peace officer who tracks down, captures and surrenders to the custody  
32 of a court a fugitive who has violated a bail bond agreement, excluding a bail  
33 bond agent or general bail bond agent;

34           [(11)] (12) "Taking a bail" or "take bail", the acceptance by a person  
35 authorized to take bail of the undertaking of a sufficient surety for the  
36 appearance of the defendant according to the terms of the undertaking or that the  
37 surety will pay to the court the sum specified. Taking of bail or take bail does not  
38 include the fixing of the amount of bail and no person other than a competent  
39 court shall fix the amount of bail.

          374.705. 1. The [department] **board** shall administer and enforce the  
2 provisions of sections 374.695 to 374.789, prescribe the duties of its officers and  
3 employees with respect to sections 374.695 to 374.789, and promulgate, pursuant  
4 to section 374.045 and chapter 536, RSMo, such rules and regulations within the  
5 scope and purview of the provisions of sections 374.695 to 374.789 as the  
6 [director] **board** considers necessary and proper for the effective administration  
7 and interpretation of the provisions of sections 374.695 to 374.789.

8           2. The [director] **board** shall set the amount of all fees authorized and

9 required by the provisions of sections 374.695 to 374.789 by rules and regulations  
10 promulgated pursuant to chapter 536, RSMo. All such fees shall be set at a level  
11 designed to produce revenue which shall not substantially exceed the cost and  
12 expense of administering the provisions of sections 374.695 to 374.789. However,  
13 such fees shall not exceed one hundred fifty dollars every two years for biennial  
14 licenses and renewable licenses for general bail bond agents as provided for in  
15 section 374.710.

**374.706. 1. There is hereby created and established a board to be**  
**2 known as the "Professional Bail Bonds Board" for the purpose of**  
**3 licensing, educating, supervising, and disciplining all general bail bond**  
**4 agents, bail bond agents, and surety recovery agents in this state. The**  
**5 board shall consist of nine members, including four licensed general**  
**6 bail bond agents, two licensed bail bond agents, one licensed law**  
**7 enforcement officer, one circuit court clerk, and one public**  
**8 member. Each member shall be a citizen of the United States and a**  
**9 resident of this state for a period of at least one year next preceding**  
**10 his or her appointment. Not more than five members shall be affiliated**  
**11 with the same political party.**

**12 2. In addition to the requirements established in subsection 1 of**  
**13 this section, the public member of the board shall be at the time of his**  
**14 or her appointment; a registered voter, a person who is not and never**  
**15 was a member of the bail bonding or surety recovery profession or the**  
**16 spouse of such person, and a person who does not have and never has**  
**17 had a material financial interest in either the providing of professional**  
**18 services regulated under sections 374.695 to 374.789 or an activity or**  
**19 organization directly related to the licensed professions under such**  
**20 sections.**

**21 3. The members of the board shall be appointed by the governor**  
**22 with the advice and consent of the senate. Two of the four general bail**  
**23 bond agents and one of the bail bond agents appointed to the board**  
**24 shall be selected from a list of recommended persons submitted by any**  
**25 Missouri association representing the interests of professional bail**  
**26 bond agents that is recognized by the Missouri department of**  
**27 insurance. For the initial term, three of the four members who are**  
**28 general bail bond agents and the public member shall serve a term of**  
**29 two years. The remaining general bail bond agent and law enforcement**  
**30 officer shall serve a term of three years and the two bail bond agents**

31 and court administrator shall serve a term of four years. Thereafter,  
32 appointments of all members shall be for four years. Any vacancy shall  
33 be filled by appointment for the unexpired term. Each member of the  
34 board shall hold office until such member's successor is appointed and  
35 qualified.

36 4. A member of the board is removable by the governor only for  
37 just cause, after being given a written notice setting forth in  
38 substantial detail the charges against the member and an opportunity  
39 to be heard publicly on the charges before the governor. A copy of the  
40 charge and a transcript of the record of the hearing shall be filed with  
41 the secretary of state.

42 5. Each member of the board shall receive as compensation an  
43 amount set by the board not to exceed seventy dollars for each day  
44 devoted to the affairs of the board. All board members are entitled to  
45 reimbursement for necessary travel and other expenses pertaining to  
46 the duties of the board.

47 6. The board shall elect from among its membership a chairman  
48 and vice chairman, who shall act as chairman in the chairman's  
49 absence. It shall meet at the times and places specified by call of the  
50 chairman, the governor, or the director. At least one meeting shall be  
51 held every three months. All regular meetings are open to the  
52 public. Notice of each meeting shall be given in writing to each  
53 member by the director. Four members shall constitute a quorum for  
54 the transaction of official business.

55 7. To assist in the performance of its duties, the board may  
56 employ staff from funds appropriated for this purpose or deposited into  
57 the professional bail bonds board fund created under subsection 8 of  
58 this section; provided, however, that this provision shall not be  
59 interpreted to limit the ability of the director to provide assistance to  
60 the board. There shall be a ten dollar fee, paid by the defendant, on  
61 any bond written by any licensed general bail bond agent or bail bond  
62 agent in this state. The money received from the fee shall be paid to  
63 the clerk of the court. The clerk shall make two dollars and fifty cents  
64 of such fee payable to the county wherein such fees originated. The  
65 county shall use such moneys only for the purpose of providing for the  
66 administration of the circuit court for such county. The clerk shall  
67 make seven dollars and fifty cents of such fee payable to the state

68 treasurer. Of the seven dollars and fifty cents, five dollars shall be  
69 deposited into the professional bail bonds board fund created under  
70 subsection 8 of this section and two dollars and fifty cents shall be  
71 deposited into the legal defense and defender fund created under  
72 section 600.090, RSMo. The ten dollar fee shall not be used when  
73 determining a person's eligibility for services provided by the state  
74 public defender system under section 600.090, RSMo.

75       8. There is hereby created in the state treasury the "Professional  
76 Bail Bonds Board Fund", which shall consist of moneys collected from  
77 the fee created under subsection 7 of this section that are designated  
78 for this fund. The money in the fund shall be used to pay the expenses  
79 incurred by the board to fulfill its duties, which may include employing  
80 staff assistance. The state treasurer shall be custodian of the fund and  
81 may approve disbursements from the fund in accordance with sections  
82 30.170 and 30.180, RSMo. The professional bail bonds board shall  
83 administer the fund. Any moneys remaining in the fund at the end of  
84 the biennium shall revert to the credit of the general revenue  
85 fund. The state treasurer shall invest moneys in the fund in the same  
86 manner as other funds are invested. Any interest and moneys earned  
87 on such investments shall be credited to the fund.

88       9. As part of the board's duty to educate all general bail bond  
89 agents, bail bond agents, and surety recovery agents, it shall establish  
90 annual educational requirements for an association representing the  
91 interests of professional bail bond agents recognized by the department  
92 of insurance, to provide initial and continuing education to such agents  
93 for licensing requirements.

374.707. Upon notice of a forfeiture from the court, the board  
2 shall notify any general bail bond agent who is listed as having a  
3 forfeited bond. Such attempt by the board to notify the general bail  
4 bond agent shall be made by facsimile or electronic mail within forty-  
5 eight hours of the forfeiture being listed with the department,  
6 excluding official holidays and weekends.

374.710. 1. Except as otherwise provided in sections 374.695 to 374.775,  
2 no person or other entity shall practice as a bail bond agent or general bail bond  
3 agent, as defined in section 374.700, in Missouri unless and until the  
4 [department] board has issued to him or her a license, to be renewed every two  
5 years as hereinafter provided, to practice as a bail bond agent or general bail

6 bond agent. **The board shall include the photograph of the bail bond**  
7 **agent or general bail bond agent on the license.**

8         2. An applicant for a bail bond and general bail bond agent license shall  
9 submit with the application proof that he or she has received twenty-four hours  
10 of initial basic training in areas of instruction in subjects determined by the  
11 [director] **board** deemed appropriate to professionals in the bail bond  
12 profession. Bail bond agents and general bail bond agents who are licensed at the  
13 date which this act becomes law shall be exempt from such twenty-four hours of  
14 initial basic training.

15         3. In addition to the twenty-four hours of initial basic training to become  
16 a bail bond agent or general bail bond agent, there shall be eight hours of  
17 biennial continuing education for all bail bond agents and general bail bond  
18 agents to maintain their state license. The [director] **board** shall determine said  
19 appropriate areas of instruction for said biennial continuing education. The  
20 [director] **board** shall determine which institutions, organizations, associations,  
21 and individuals shall be eligible to provide the initial basic training and the  
22 biennial continuing education instruction. The [department] **board** may allow  
23 state institutions, organizations, associations, or individuals to provide courses  
24 for the initial basic training and the biennial continuing education training. The  
25 cost shall not exceed two hundred dollars for the initial basic training and one  
26 hundred fifty dollars for biennial continuing education.

27         4. Upon completion of said basic training or biennial continuing education  
28 and the licensee meeting the other requirements as provided under sections  
29 374.695 to 374.789, the [director] **board** shall issue a two-year license for the bail  
30 bond agent or general bail bond agent for a fee not to exceed one hundred fifty  
31 dollars.

32         5. **A licensee shall provide the name, address, and telephone**  
33 **number of each employer for which he or she works or operates under**  
34 **as an independent contractor to the board. A licensee shall have a**  
35 **continuing duty to provide notice to the board should this information**  
36 **change. It is unlawful for an agent to begin writing bond as an agent**  
37 **under a new appointment with a different general bail bond agent or**  
38 **insurance company unless such information with the board has been**  
39 **updated.**

40         6. Nothing in sections 374.695 to 374.775 shall be construed to prohibit  
41 any person from posting or otherwise providing a bail bond in connection with

42 any legal proceeding, provided that such person receives no fee, remuneration or  
43 consideration therefor.

374.715. 1. Applications for examination and licensure as a bail bond  
2 agent or general bail bond agent shall be in writing and on forms prescribed and  
3 furnished by the [department] **board**, and shall contain such information as the  
4 [department] **board** requires. Each application shall be accompanied by proof  
5 satisfactory to the [department] **board** that the applicant is a citizen of the  
6 United States, is at least twenty-one years of age, has a high school diploma or  
7 general education development certificate (GED), is of good moral character, and  
8 meets the qualifications for surety on bail bonds as provided by supreme court  
9 rule. Each application shall be accompanied by the examination and application  
10 fee set by the [department] **board**. Individuals currently employed as bail bond  
11 agents and general bail bond agents shall not be required to meet the education  
12 requirements needed for licensure pursuant to this section.

13 2. In addition, each applicant for licensure as a general bail bond agent  
14 shall furnish proof satisfactory to the [department] **board** that the applicant or,  
15 if the applicant is a corporation, that each officer thereof has completed at least  
16 two years as a bail bond agent, and that the applicant possesses liquid assets of  
17 at least ten thousand dollars, along with a duly executed assignment of ten  
18 thousand dollars to the state of Missouri. The assignment shall become effective  
19 upon the applicant's violating any provision of sections 374.695 to 374.789. The  
20 assignment required by this section shall be in the form and executed in the  
21 manner prescribed by the [department] **board**. The [director] **board** may  
22 require by regulation conditions by which additional assignments of assets of the  
23 general bail bond agent may occur when the circumstances of the business of the  
24 general bail bond agent warrants additional funds. However, such additional  
25 funds shall not exceed twenty-five thousand dollars.

374.716. 1. Every bail bond agent shall account for each power of  
2 attorney assigned by the general bail bond agent on a weekly basis and remit all  
3 sums collected and owed to the general bail bond agent pursuant to his or her  
4 written contract. The general bail bond agent shall maintain the weekly  
5 accounting and remittance records for a period of three years. Such records shall  
6 be subject to inspection by the [director] **board** or [his or her] **its** designee  
7 during regular business hours or at other reasonable times.

8 2. For every bond written in this state, the licensee shall provide to the  
9 principal a copy of the bail contract.

374.720. 1. Each applicant for licensure as a general bail bond agent, after complying with this section and the provisions of section 374.715, shall be issued a license by the [department] **board** unless grounds exist under section 374.755 for denial of a license.

2. Each applicant for examination and licensure as a bail bond agent, after complying with the provisions of section 374.715, shall appear for examination at the time and place specified by the [department] **board**. Such examination shall be as prescribed by the [director as provided under section 375.018, RSMo,] **board** and shall be designed to test the applicant's knowledge and expertise in the area of surety bonds in general and the practice of a bail bond agent, as defined in sections 374.700 to 374.775, in particular. The applicant shall be notified of the result of the examination within twenty working days of the examination. Any applicant who fails such examination may, upon reapplication and payment of the reexamination fee set by the [department] **board**, retake the examination.

374.730. All licenses issued to bail bond agents and general bail bond agents under the provisions of sections 374.700 to 374.775 shall be renewed biennially, which renewal shall be in the form and manner prescribed by the [department] **board** and shall be accompanied by the renewal fee set by the [department] **board**.

374.735. 1. The [department] **board** may, in its discretion, grant a license without requiring an examination to a bail bond agent who has been licensed in another state immediately preceding his or her applying to the [department] **board**, if the [department] **board** is satisfied by proof adduced by the applicant that:

(1) The qualifications of the other state are at least equivalent to the requirements for initial licensure as a bail bond agent in this state pursuant to the provisions of sections 374.695 to 374.775, provided that the other state licenses Missouri residents in the same manner; and

(2) The applicant has no suspensions or revocations of a license to engage in the bail bond or fugitive recovery business in any jurisdiction.

2. Every applicant for a license pursuant to this section, upon showing the necessary qualifications as provided in this section, shall be required to pay the same fee as the fee required to be paid by resident applicants.

3. Within the limits provided in this section, the [department] **board** may negotiate reciprocal compacts with licensing entities of other states for the



17 admission of licensed bail bond agents from Missouri in other states.

18           4. All applicants applying for licenses in this state after the enactment of  
19 said act shall complete the education requirement as stated in section 374.710. If  
20 the bail bond agent or general bail bond agent has been licensed in another state  
21 and has a license in Missouri at the time said act becomes law, said individual  
22 shall not be required to complete the twenty-four hours of initial basic training.

          374.740. Any person applying to be licensed as a nonresident general bail  
2 bond agent who has been licensed in another state shall devote fifty percent of his  
3 or her working time in the state of Missouri and shall file proof with the [director  
4 of insurance] **board** as to his or her compliance, and accompany his or her  
5 application with the fees set by the [director] **board** by regulation and, if  
6 applying for a nonresident general bail bond agent's license, with a duly executed  
7 assignment of twenty-five thousand dollars to the state of Missouri, which  
8 assignment shall become effective upon the applicant's violating any provision of  
9 sections 374.695 to 374.789. Failure to comply with this section will result in  
10 revocation of the nonresidence license. The assignment required by this section  
11 shall be in the form and executed in the manner prescribed by the [department]  
12 **board**. All licenses issued pursuant to this section shall be subject to the same  
13 renewal requirements set for other licenses issued pursuant to sections 374.695  
14 to 374.789.

          374.750. The [department] **board** may refuse to issue or renew any  
2 license required pursuant to sections 374.700 to 374.775 for any one or any  
3 combination of causes stated in section 374.755. The [department] **board** shall  
4 notify the applicant in writing of the reasons for the refusal and shall advise the  
5 applicant of his right to file a complaint with the administrative hearing  
6 commission as provided by chapter 621, RSMo.

          374.755. 1. The [department] **board** may cause a complaint to be filed  
2 with the administrative hearing commission as provided by chapter 621, RSMo,  
3 against any holder of any license required by sections 374.695 to 374.775 or any  
4 person who has failed to renew or has surrendered his or her license for any one  
5 or any combination of the following causes:

6           (1) Use of any controlled substance, as defined in chapter 195, RSMo, or  
7 alcoholic beverage to an extent that such use impairs a person's ability to perform  
8 the work of the profession licensed under sections 374.695 to 374.775;

9           (2) Final adjudication or a plea of guilty or nolo contendere within the  
10 past fifteen years in a criminal prosecution under any state or federal law for a

11 felony or a crime involving moral turpitude whether or not a sentence is  
12 imposed[, prior to issuance of license date];

13 (3) Use of fraud, deception, misrepresentation or bribery in securing any  
14 license or in obtaining permission to take any examination required pursuant to  
15 sections 374.695 to 374.775;

16 (4) Obtaining or attempting to obtain any compensation as a member of  
17 the profession licensed by sections 374.695 to 374.775 by means of fraud,  
18 deception or misrepresentation;

19 (5) Misappropriation of the premium, collateral, or other things of value  
20 given to a bail bond agent or a general bail bond agent for the taking of bail,  
21 incompetency, misconduct, gross negligence, fraud, or misrepresentation in the  
22 performance of the functions or duties of the profession licensed or regulated by  
23 sections 374.695 to 374.775;

24 (6) Violation of any provision of or any obligation imposed by the laws of  
25 this state, [department of insurance] **board** rules and regulations, or aiding or  
26 abetting other persons to violate such laws, orders, rules or regulations, or  
27 subpoenas;

28 (7) Transferring a license or permitting another person to use a license  
29 of the licensee;

30 (8) Disciplinary action against the holder of a license or other right to  
31 practice the profession regulated by sections 374.695 to 374.789 granted by  
32 another state, territory, federal agency or country upon grounds for which  
33 revocation or suspension is authorized in this state;

34 (9) Being finally adjudged insane or incompetent by a court of competent  
35 jurisdiction;

36 (10) Assisting or enabling any person to practice or offer to practice the  
37 profession licensed or regulated by sections 374.695 to 374.789 who is not  
38 currently licensed and eligible to practice pursuant to sections 374.695 to 374.789;

39 (11) Acting in the capacity of an attorney at a trial or hearing of a person  
40 for whom the attorney is acting as surety;

41 (12) Failing to provide a copy of the bail contract, renumbered written  
42 receipt for acceptance of money, or other collateral for the taking of bail to the  
43 principal, if requested by any person who is a party to the bail contract, or any  
44 person providing funds or collateral for bail on the principal's behalf.

45 2. After the filing of such complaint, the proceedings shall be conducted  
46 in accordance with the provisions of chapter 621, RSMo. Upon a finding by the

47 administrative hearing commission that one or more of the causes stated in  
48 subsection 1 of this section have been met, the [director] **board** may suspend or  
49 revoke the license or enter into an agreement for a monetary or other penalty  
50 pursuant to section 374.280.

51 3. In lieu of filing a complaint at the administrative hearing commission,  
52 the [director] **board** and the bail bond agent or general bail bond agent may  
53 enter into an agreement for a monetary or other penalty pursuant to section  
54 374.280.

55 4. [In addition to any other remedies available, the director may issue a  
56 cease and desist order or may seek an injunction in a court of competent  
57 jurisdiction pursuant to the provisions of section 374.046 whenever it appears  
58 that any person is acting as a bail bond agent or general bail bond agent without  
59 a license or violating any other provisions of sections 374.695 to 374.789] **Any**  
60 **bail bond agent or general bail bond agent who has his or her license**  
61 **revoked by the board shall immediately return such license to the**  
62 **board.**

374.760. Each general bail bond agent shall file, between the first and  
2 tenth day of each month, sworn affidavits with the [department] **board** stating  
3 that there are no unsatisfied judgments against him. Such affidavits shall be in  
4 the form and manner prescribed by the [department] **board.**

**374.761. 1. A duly licensed bail bond agent in good standing with**  
2 **the board shall be qualified to write bail on behalf of a general bail**  
3 **bond agent in every municipal or circuit court in this state in which**  
4 **the general bail bond agent who employs the agent or directs the agent**  
5 **as an independent contractor is duly licensed and qualified to write**  
6 **bail as provided by supreme court rule.**

7 2. It is unlawful for a bail bond agent writing on behalf of an  
8 individual general bail bond agent to fail to clearly disclose to the  
9 court, to the defendant and in the bond, the actual legal name of the  
10 individual general bail bond agent on behalf of whom the agent is  
11 acting.

374.763. 1. A licensed bail bond agent shall have six months from  
2 the date of the order and judgment of forfeiture to return the defendant  
3 to custody of said court and in doing so, the court shall vacate the  
4 forfeiture and exonerate the bond. If any final judgment ordering forfeiture  
5 of a defendant's bond is not paid within a six-month period of time, the court

6 shall extend the judgment date or notify the [department] **board** of the failure  
7 to satisfy such judgment. The [director] **board** shall draw upon the assets of the  
8 surety, remit the sum to the court, and obtain a receipt of such sum from the  
9 court. The [director] **board** may take action as provided by section 374.755,  
10 regarding the license of the surety and any bail bond agents writing upon the  
11 surety's liability.

12 2. The [department] **board** shall furnish to the presiding judge of each  
13 circuit court of this state, on at least a monthly basis, a list of all duly licensed  
14 and qualified bail bond agents and general bail bond agents whose licenses are  
15 not subject to pending suspension or revocation proceedings, and who are not  
16 subject to unsatisfied bond forfeiture judgments. In lieu of such list, the  
17 [department] **board** may provide this information to each presiding judge in an  
18 electronic format.

19 3. All duly licensed and qualified bail bond agents and general bail bond  
20 agents shall be qualified, without further requirement, to write bail upon a  
21 surety's liability in all courts of this state as provided in rules promulgated by the  
22 supreme court of Missouri and not by any circuit court rule.

374.764. 1. The [director] **board** shall examine and inquire into all  
2 alleged violations or complaints filed with the [department of insurance] **board**  
3 of the bail bond law of the state, and inquire into and investigate the bail bond  
4 business transacted in the state by any bail bond agent, general bail bond agent,  
5 or surety recovery agent.

6 2. The [director] **board** or any of [his or her] **its** duly appointed agents  
7 may compel the attendance before him or her, and may examine, under oath, the  
8 directors, officers, bail bond agents, general bail bond agents, surety recovery  
9 agents, employees, or any other person in reference to the condition, affairs,  
10 management of the bail bond or surety recovery business, or any matters relating  
11 thereto. He or she may administer oaths or affirmations and shall have power  
12 to summon and compel the attendance of witnesses and to require and compel the  
13 production of records, books, papers, contracts, or other documents if necessary.

14 3. The [director] **board** may make and conduct the investigation [in  
15 person] or the [director] **board** may appoint one or more persons to make and  
16 conduct the investigation. If made by a person other than the [director] **board**,  
17 the person duly appointed by the [director] **board** shall have the same powers  
18 as granted to the [director] **board** pursuant to this section. A certificate of  
19 appointment under the official seal of the [director] **board** shall be sufficient

20 authority and evidence thereof for the person to act. For the purpose of making  
21 the investigations, or having the same made, the [director] **board** may employ  
22 the necessary clerical, actuarial, and other assistance.

**374.773. Any licensed general bail bond agent or bail bond agent  
2 shall notify the board within ten days of pleading guilty to or being  
3 found guilty of a felony.**

374.783. 1. No person shall hold himself or herself out as being a surety  
2 recovery agent in this state, unless such person is licensed in accordance with the  
3 provisions of sections 374.783 to 374.789. Licensed bail bond agents and general  
4 bail bond agents may perform fugitive recovery without being licensed as a surety  
5 recovery agent.

6 2. The [director] **board** shall have authority to license all surety recovery  
7 agents in this state. The [director] **board** shall have control and supervision  
8 over the licensing of such agents and the enforcement of the terms and provisions  
9 of sections 374.783 to 374.789.

10 3. The [director] **board** shall have the power to:

11 (1) Set and determine the amount of the fees authorized and required  
12 pursuant to sections 374.783 to 374.789. The fees shall be set at a level sufficient  
13 to produce revenue which shall not substantially exceed the cost and expense of  
14 administering sections 374.783 to 374.789. However, such fees shall not exceed  
15 one hundred fifty dollars for a two-year license; and

16 (2) Determine the sufficient qualifications of applicants for a license.

17 4. The [director] **board** shall license for a period of two years all surety  
18 recovery agents in this state who meet the requirements of sections 374.783 to  
19 374.789.

374.784. 1. Applications for examination and licensure as a surety  
2 recovery agent shall be submitted on forms prescribed by the [department] **board**  
3 and shall contain such information as the [department] **board** requires, along  
4 with a copy of the front and back of a photographic identification card.

5 2. Each application shall be accompanied by proof satisfactory to the  
6 [director] **board** that the applicant is a citizen of the United States, is at least  
7 twenty-one years of age, and has a high school diploma or a general educational  
8 development certificate (GED). An applicant shall furnish evidence of such  
9 person's qualifications by completing an approved surety recovery agent course  
10 with at least twenty-four hours of initial minimum training. The [director]  
11 **board** shall determine which institutions, organizations, associations, and

12 individuals shall be eligible to provide said training. Said instructions and fees  
13 associated therewith shall be identical or similar to those prescribed in section  
14 374.710 for bail bond agents and general bail bond agents.

15 3. In addition to said twenty-four hours of initial minimum training,  
16 licensees shall be required to receive eight hours of biennial continuing education  
17 of which said instructions and fees shall be identical or similar to those  
18 prescribed in section 374.710 for bail bond agents and general bail bond agents.

19 4. Applicants for surety recovery agents licensing shall be exempt from  
20 said requirements of the twenty-four hours of initial minimum training if  
21 applicants provide proof of prior training as a law enforcement officer with at  
22 least two years of such service within the ten years prior to the application being  
23 submitted to the [department] **board**.

24 5. The [director] **board** may refuse to issue any license pursuant to  
25 sections 374.783 to 374.789, for any one or any combination of causes stated in  
26 section 374.787. The [director] **board** shall notify the applicant in writing of the  
27 reason or reasons for refusal and shall advise the applicant of the right to file a  
28 complaint with the administrative hearing commission to appeal the refusal as  
29 provided by chapter 621, RSMo.

374.785. 1. The [director] **board** shall issue a license for a period of two  
2 years to any surety recovery agent who is licensed in another jurisdiction and  
3 who:

4 (1) Has no violations, suspensions, or revocations of a license to engage  
5 in fugitive recovery in any jurisdiction; and

6 (2) Is licensed in a jurisdiction whose requirements are substantially  
7 equal to or greater than the requirements for a surety recovery agent license in  
8 Missouri at the time the applicant applies for a license.

9 2. Any surety recovery agent who is licensed in another state shall also  
10 be subject to the same training requirements as in-state surety recovery agents  
11 prescribe to under section 374.784.

12 3. For the purpose of surrender of the defendant, a surety recovery agent  
13 may apprehend the defendant anywhere within the state of Missouri before or  
14 after the forfeiture of the undertaking without personal liability for false  
15 imprisonment or may empower any surety recovery agent to make apprehension  
16 by providing written authority endorsed on a certified copy of the undertaking  
17 and paying the lawful fees.

18 4. Every applicant for a license pursuant to this section, upon making

19 application and showing the necessary qualifications as provided in this section,  
20 shall be required to pay the same fee as required of resident applicants. Within  
21 the limits provided in this section, the [director] **board** may negotiate reciprocal  
22 compacts with licensing entities of other states for the admission of licensed  
23 surety recovery agents from Missouri in other states.

374.786. 1. Every person licensed pursuant to sections 374.783 to 374.789  
2 shall, before the license renewal date, apply to the [director] **board** for renewal  
3 for the ensuing licensing period. The application shall be made on a form  
4 furnished to the applicant and shall state the applicant's full name, the  
5 applicant's business address, the address at which the applicant resides, the date  
6 the applicant first received a license, and the applicant's surety recovery agent  
7 identification number, if any.

8 2. A renewal form shall be mailed to each person licensed in this state at  
9 the person's last known address. The failure to mail the renewal form or the  
10 failure of a person to receive it does not relieve any person of the duty to be  
11 licensed and to pay the license fee required nor exempt such person from the  
12 penalties provided for failure to be licensed.

13 3. Each applicant for renewal shall accompany such application with a  
14 renewal fee to be paid to the [department] **board** for the licensing period for  
15 which renewal is sought.

16 4. The [director] **board** may refuse to renew any license required  
17 pursuant to sections 374.783 to 374.789 for any one or any combination of causes  
18 stated in section 374.787. The [director] **board** shall notify the applicant in  
19 writing of the reasons for refusal to renew and shall advise the applicant of his  
20 or her right to file a complaint with the administrative hearing commission as  
21 provided by chapter 621, RSMo.

374.787. 1. The [director] **board** may cause a complaint to be filed with  
2 the administrative hearing commission as provided by chapter 621, RSMo,  
3 against any surety recovery agent or any person who has failed to renew or has  
4 surrendered his or her license for any one or any combination of the following  
5 causes:

6 (1) Violation of any provisions of, or any obligations imposed by, the laws  
7 of this state, the department of insurance rules and regulations, or aiding or  
8 abetting other persons to violate such laws, orders, rules, or regulations;

9 (2) Final adjudication or a plea of guilty or nolo contendere in a criminal  
10 prosecution under state or federal law for a felony or a crime involving moral

11 turpitude, whether or not a sentence is imposed;

12 (3) Using fraud, deception, misrepresentation, or bribery in securing a  
13 license or in obtaining permission to take any examination required by sections  
14 374.783 to 374.789;

15 (4) Obtaining or attempting to obtain any compensation as a surety  
16 recovery agent by means of fraud, deception, or misrepresentation;

17 (5) Acting as a surety recovery agent or aiding or abetting another in  
18 acting as a surety recovery agent without a license;

19 (6) Incompetence, misconduct, gross negligence, fraud, or  
20 misrepresentation in the performance of the functions or duties of a surety  
21 recovery agent;

22 (7) Having a license revoked or suspended that was issued by another  
23 state.

24 2. After the filing of the complaint, the proceedings shall be conducted in  
25 accordance with the provisions of chapter 621, RSMo. Upon a finding by the  
26 administrative hearing commission that one or more of the causes stated in  
27 subsection 1 of this section have been met, the [director] **board** may suspend or  
28 revoke the license or enter into an agreement for a monetary or other penalty  
29 pursuant to section 374.280.

30 3. In lieu of filing a complaint with the administrative hearing  
31 commission, the [director] **board** and the surety recovery agent may enter into  
32 an agreement for a monetary or other penalty pursuant to section 374.280.

33 4. In addition to any other remedies available, the [director] **board** may  
34 issue a cease and desist order or may seek an injunction in a court of law  
35 pursuant to section 374.046 whenever it appears that any person is acting as a  
36 surety recovery agent without a license.

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